

REMARKS

Claims 1-55 are pending, with claims 15, 25, and 43 withdrawn from consideration. Claims 1-14, 16-24, 26-42 and 44-55 are rejected. Claims 1, 12, 19, 20, 28-38 and 46 have been amended. Claim 19 is amended to correct a typographical error. Claims 28-37 are amended to clarify the language. Support for the amendment to Claims 1, 12, 20, 38, and 46 can be found on page 28, lines 26-27.

Rejection under 35 U.S.C. § 112, second paragraph.

Claims 28-37 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Office Action rejects the claims as failing to recite an object of the claimed method. The claims have been amended to recite a method of treatment. Applicant respectfully requests that in light of these amendments, the rejection be withdrawn.

Rejection under 35 U.S.C. § 103(a) as being unpatentable over Scott in view of Harris and Cook.

Claims 1-14, 16-24, 26-42, and 44-55 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Scott et al. (5,908,624) in view of Harris et al. (5,672,662) combined with Cook et al. (WO 9830545). The Office Action indicates that the pathogen inactivation step of Applicant's claims is fully disclosed by the Cook reference and that the treatment with an antigen masking compound is disclosed by Scott. The specific antigen masking compound elected by Applicant, N-hydroxy succinimide butanoic acid monomethoxy polyethylene glycol is disclosed in Harris as being appropriate for use in biotechnical applications. The Cook and Scott references both disclose treated compositions for transfusion.

Applicants respectfully traverse this rejection. Without prejudicing Applicant's right to pursue similar claims in a future application, Claims 1, 12, 20, 38 and 46 have been amended to include the limitation that the blood product resulting from Applicant's treatment, when stored at 4 °C for 28 days, has less than 3% hemolysis. There is no expectation that combining the two methods would provide a product which meets the hemolysis limitation of the amended claims. The '624 patent teaches that hemolysis is less than 5% after 24 hours storage at 4 °C and increases with storage at 48 hours (column 10, Example II and Figure 4). There is nothing in any of the references to suggest that combining the methods would result in less hemolysis, i.e. less

than about 3% after 28 days per the amended claim. Applicants respectfully request that this rejection be withdrawn.

CONCLUSION

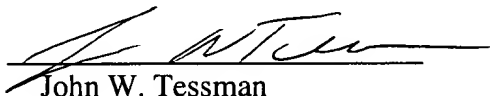
For the reasons set forth above, it is respectfully submitted that Applicants' claims are in condition for allowance and such allowance is earnestly solicited.

The Assistant Commissioner is hereby authorized to charge any additional fees associated with this petition or credit any overpayment to **Deposit Account No. 19-4315**. **A duplicate copy of this petition is enclosed for that purpose.**

Respectfully submitted
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